

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.49 OF 2007
IN
WRIT PETITION NO.8049 OF 2005

Dhotre Damaji Sopan	Petitioner
versus	
The State of Maharashtra	Respondent

Mrs.Amita A. Agarwal for petitioner.
Mrs.S.S.Bhende for respondent nos.1 2 & 9.
V.N.Bolinjkar for respondent no.8.
K.K.Malpathak for respondents 3,6 and 7.

CORAM : A.S.OKA, J.

DATE : 02nd April 2007

PC :

1. Heard advocate for the petitioner. It is alleged in the petition that the second respondent has committed breach of the direction contained in order dated 20th September 2006. The said direction reads thus :-

"We direct the respondent no.2 i.e. The Education Officer, Secondary Section, Zilla Parishad, Alibag (Raigad) to take due steps to forward the caste certificate of the petitioner as well as respondent no.7 for verification/scrutiny to the competent Scrutiny committee which is established by the

State Govt. for V.J.N.T. within a period of 4 weeks from today."

2. There is no dispute that second respondent has done compliance insofar as petitioner is concerned. The grievance is that the second respondent did not forward caste certificate of 8th respondent herein to the Caste Scrutiny committee within the time fixed by this Court.

3. I have perused the affidavit of the Education Officer as well as rejoinder filed by the petitioner. The affidavit of the Education Officer discloses that on 28th December 2006 she has forwarded a proposal for caste verification of respondent no.8 herein in prescribed form to the Divisional Caste Scrutiny Committee and thereafter she has sent reminders to the caste scrutiny committee. Considering the statements made in the affidavit it is obvious that this is not a case of deliberate or wilful breach on the part of the Education Officer. In view of this position, notice issued to the respondents is discharged. Contempt Petition is disposed of.

(A.S.OKA, J.)